

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MITCHELL MARBURY,

Plaintiff,

V.

LONZIE EDWARDS and
BEVERLY WARREN,

Defendants.

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Case No. 2:07-cv-02285-RRR

Memorandum Opinion

The magistrate judge filed a report and recommendation on October 1, 2009, recommending that the defendants' special report be treated as a motion for summary judgment, and that the motion be denied. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the defendants' motion for summary judgment is due to be denied. An appropriate order will be entered.

Done this the 5th day of November 2009.

Age Pytz Johnson

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE